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SUBJECT: European Commission Publishes Consultation Paper on the Definition of Highly Biodiverse Grasslands

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**11.** Summary. On December 14, 2009 the Commission published a consultation paper requesting comments for the definition and criteria for Highly Biodiverse Grasslands in EU legislation concerning sustainability criteria for biofuels. Biofuel feedstock that comes from these grasslands will not count towards EU targets. The definition could impact U.S. exports of biofuels for the EU market if feedstock comes from land under the Conservation Reserve Program. The estimated value of U.S. biodiesel exported to the EU in 2008 is \$1.5 billion. Comments from stakeholders should be submitted to the Commission no later than February 8, 2010. End summary.

**12.** On December 14, 2009 the European Commission published a consultation paper on the definition of highly biodiverse grasslands, which is part of the sustainability criteria presented in the Renewable Energy Directive (Directive 2009/28/EC) (RED). This could be important for U.S. producers of feedstock for the EU biofuels market since it would define whether or not feedstock from land put into permanent grasslands in the Conservation Reserve Program (CRP) would be eligible to count towards the EU target. If land under the CRP is not eligible under the EU sustainability criteria, this could hamper U.S. exports for the biofuels market in the EU. The estimated value for biodiesel exported from the U.S. to the EU in CY 2008 is \$1.5 billion.

**13.** Biofuels produced from feedstock from certain kinds of land types are not eligible for important types of public support and do not count towards the 10 percent EU biofuel target. Lands that can not be used for the production of biofuels are those with high biodiversity value or high carbon stocks such as: nature protection areas including those for the protection of rare threatened or endangered eco systems or species, primary forests and other wooded land, continuously forested areas, wetlands and undrained peatlands. The Commission considers that for all other types of land other than those of high biodiversity the definition can be made either from maps or from satellite photographs, but that the identification of highly biodiverse grasslands will be more problematic.

¶4. In the work of defining high biodiverse grassland, the RED distinguishes between natural and non-natural grasslands and has the following definitions:

- **Natural grasslands:** Grasslands that have not been sown and are maintained as grassland by the influence of natural factors such as natural fires, grazing by wild animals, (periodic) drought or freezing temperatures.

- **Non-natural grasslands:** An area the condition of which as grassland is maintained, for at least five years, as a result of human intervention such as ploughing, sowing, mowing or livestock grazing.

¶5. The consultation paper suggests three possible approaches for defining the high biodiverse grassland: (1) to note that a proportion of these grasslands are in areas that are already protected under sustainability criteria and thus refrain from adding further requirements; (2) to recognize that natural grasslands are more likely to be high biodiverse than non-natural grasslands and propose an on-site assessment on all natural grasslands; and (3) on-site assessments of biodiversity for all grasslands.

¶6. The Commission notes that for a significant share of the world, comprehensive information for the proposed assessment does not exist. The Commission therefore suggests that key indicator species or quantified indices could be used to define no-go areas.

¶7. The public consultation is open until February 8, 2010, and the Commission is asking for comments on subjects including the definition of the two categories of grassland, which of the three different approaches is preferred, and if there is a better suited alternative approach or whether one can be developed.

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¶8. The Consultation paper can be found here: [http://ec.europa.eu/energy/renewables/consultations/doc/2010\\_02\\_08\\_biodiverse\\_grassland\\_consultation.pdf](http://ec.europa.eu/energy/renewables/consultations/doc/2010_02_08_biodiverse_grassland_consultation.pdf) The Commission would like comments to be sent to: TREN-biodiverse-grasslands-biofuels@ec.europa.eu

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